

### REMARKS

Reconsideration of this application, as amended, is respectfully requested.

The arguments below were set forth in the prior Rule 116 amendment and are represented here.

The Examiner acknowledges that the formula in the main claim is not disclosed in the cited references, yet asserts that the arrangement of the outer electrodes of the multilayer actor of the application and the arrangement of the outer electrodes of Shuichi's multilayer actor are the same and therefore the arrangement of the inactive areas in Shuichi would also be the same as that of the arrangement that can be computed in the formula.

This assertion is not confirmed by any objective evidence. The arrangement of the inner electrodes in Shuichi's multilayer actor is arbitrary and is not disclosed to be critical distance  $h$ , according to which the contact surfaces are no longer to overlap, so as to prevent cracking. With knowledge of Shuichi's reference, therefore, a skilled practitioner is not in a position to arrange the inner electrodes according to the formula.

Furthermore, it is not taught or suggested in the cited references to provide a plurality of inner electrodes of the same polarity arranged one over the other, whose contact surfaces are not offset from one another. It is not apparent why the Examiner alleges this to be obvious, based on the knowledge of the references, to provide such an arrangement of the inner electrodes. This is clearly hindsight.

The Examiner states that "Although Shuichi does not disclose the formula  $\alpha = \{(L/d) * \arcsin(L/R)\}$ , he is regarded as reading on the claim formula, he doesn't explicitly state it, in other words, he shows the invention in fig. 1".

There is no showing as in, e.g., Fig. 3 of the present invention of any angle  $\alpha$ . Furthermore, it is interesting that the Examiner only makes an obviousness rejection if, as alleged, Shuichi "shows the invention in Fig. 1", as this would be a novelty rejection. It

is submitted that the Examiner did not do so because it cannot be shown, based on the Figure referred to by the Examiner, that the formula recited in the claims applies to Shuichi.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-CERA 238-US

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Respectfully submitted,

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